

# Rule 11-4. Domestic Relations Cases

## A. CONTESTED CUSTODY:

(i) Notice to court. Whenever counsel determines that custody of minor children will genuinely be contested, the court shall be informed in order that appointment of a guardian ad litem may be considered. If a guardian ad litem is appointed, the guardian's report shall be filed with the court and copies given to counsel no later than ten (10) days before trial and, with the approval of the court, be updated at the time of trial.

(ii) Temporary custody requests. All requests for temporary custody, except for ex parte requests in cases with an emergency or exigent circumstances, shall be set for a hearing with not less than three (3) days' notice to the opposing party. Evidence in support of or in opposition to any temporary custody request shall be submitted by affidavit, which shall be exchanged at the hearing.

(iii) Affidavits submitted on temporary custody requests shall be limited to no more than ten (10) per side and will further be limited to a total of no more than 50 pages. Tax returns and related financial records with Social Security numbers redacted will not be counted as pages. All affidavits shall be typed or printed. Affidavits submitted in cursive will not be considered.

(iv) In cases involving minor children, parents who have not filed a permanent stipulation or parenting plan resolving all issues of custody and visitation must have scheduled or completed Parenting Education Classes no later than 60 days after the filing of the complaint.

(v) Mediation must be scheduled or a hearing on a qualified request for a waiver of mediation must be scheduled no later than 120 days after the filing of the complaint. Failure of any party to schedule or attend mediation will result in sanctions which may include being prohibited at trial from presenting any evidence on the issues of custody or parenting time.

B. IV D CASES: The county attorney shall be notified of any temporary hearings, final hearings, modifications or actions to release a child support lien which involve parties who are receiving assistance from the Department of Health and Human Services or the State of Nebraska, have filed assignments to the Department of Health and Human Services or the State of Nebraska, or who have an obligation to the Department of Health and Human Services or the State of Nebraska.

C. DECREES: All decrees of dissolution, separation, or property settlements referred to in decrees shall contain both parties' social security numbers and the social security numbers of the affected children. The vehicle identification numbers of all vehicles affected by the decree and the legal description of all real estate affected by the decree shall also be included.

D. PROPERTY STATEMENT: Both parties shall submit a combined exhibit listing all of the assets and liabilities of the marriage on a form prescribed by the court, a copy of which is attached to these rules. A different form than the one adopted as part of these rules may be used if the same information is supplied.

The applicable provisions of rule 11-5(C) relating to pretrial orders shall apply to domestic

relations cases. In addition, however, the petitioner shall first prepare the exhibit by placing the petitioner's values on the property statement. The exhibit shall then be submitted to the respondent who shall place values on the exhibit and return it to the petitioner. The petitioner shall submit the exhibit to the respondent no less than thirty (30) days prior to trial and the respondent shall return it to the petitioner no less than twenty (20) days prior to trial. The joint property exhibit, signed by counsel and the parties, shall be filed with the clerk of the district court no less than ten (10) days before trial. A copy of the exhibit shall also be sent to the judge no less than ten (10) days before trial. The court shall prepare a pretrial order which shall include the joint property exhibit. The pretrial order shall be binding on the parties.

The parties shall also prepare and submit to the court no less than ten days prior to trial separate child support guidelines calculations including all supporting documents required by the guidelines. The calculation shall also include any proposed deviations from the guidelines and the reasons for the deviations.

E. PROTECTION ORDERS: All applications for protection orders pursuant to Neb. Rev. Stat. § 42-901 et seq. (Reissue 1993) shall be on the form prescribed by the court. No protection orders shall be set aside unless the applicant appears in person and states affirmatively, on the record, that the protection order should be set aside. A copy of this rule shall be supplied to all applicants for and respondents to protection orders by the Clerk of the District Court.

F. CONTESTED CUSTODY CASES; COMPLIANCE WITH PARENTING ACT.

1. No contested case which involves custody of, or parenting time or visitation with, any minor child or children may be set for final hearing by any attorney or self-represented party unless the following documents have been filed with the Clerk of the District Court:

(a) Attorney Certificates of Providing Parenting Act Information signed by each attorney who has entered an appearance in the case or, for self-represented individuals, a verified and sworn statement from each parent that each has received and read the Nebraska Parenting Act Information brochure.

(b) A completed Financial Affidavit for Child Support signed by each party.

(c) Certificates of Completion of an approved Basic Level Parenting Education Course signed by each parent.

(d) An affidavit signed by a qualified mediator or specialized Alternative Dispute Resolution Facilitator approved by the Nebraska Office of Dispute Resolution setting forth facts to show both parties met for at least one session lasting 2 hours or more in a good faith attempt to settle the issues relating to custody, parenting time, or visitation.

2. Any of the foregoing requirements may be waived by the court upon a showing of good cause and compliance with applicable rules and statutes.

3. All such documents shall be the same as, or substantially similar to, the forms relating to divorce and parenting found on the Nebraska Judicial Branch Web site, <http://www.supremecourt.ne.gov/district/d7/selfhelpforms.shtml?sub1>.

4. If a party fails or refuses to comply with any part of this rule, the opposing party may file a motion to compel, for sanctions, or for other relief which will be scheduled for hearing by the

court.

*Approved effective November 3, 1995; amended effective May 22, 1998; Rule 11-4A-D amended effective January 16, 2002; Rule 11-4(A)(i)and(ii) amended effective September 9, 2009; Rule 11-4F approved June 3, 2010; Rule 11-4A(iii) - (v) approved April 25, 2012.*

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